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# Neighborhood Improvement Services

Proposed Amendments to City of Durham's  
Minimum Housing Code and  
Removal of Trash and Undergrowth from  
Property Ordinance

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## Strategic Focus

- **Practical and enforceable**
- **NC codes and regulations alignment**
- **Safety, health and aesthetic desirability**
- **Appropriate and relevant**
- **Clear and user friendly**
- **Best practices**

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## Comprehensive Amendment Process

- Review of Minimum Housing Code
- Comparative review of the State Codes and Regulations
- Comparative review of the International Property Maintenance Code
- Review/Input by:
  - Internal Code Enforcement team
  - Interdepartmental City team
  - Ad Hoc Community Stakeholder team
  - Healthy Homes Group
  - Durham Housing Authority
  - City Attorney Office Legal Review/Input
  - Benchmarking with other NC cities

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# Summary of Modifications

- Reorganizes the various sections in the Housing Code.
- Adds new definitions for the following terms:
  - accessory structure
  - excessive
  - housing certificate
  - North Carolina State Building Code,
  - workmanship

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# Summary of Modifications

## Overhaul Section 10-234. Standards of fitness to align with the N.C. State Codes

- Deletes reference to kitchen size
- Property maintenance: requires all dwellings to have posted address numbers
- Electrical service in compliance with applicable portions of State Building Code
- Smoke detectors: dwelling units being rented, tenant responsible for placement of batteries in smoke detector pursuant to state law GS 42-42(a)(5) unless lease specifies otherwise
- Carbon monoxide: Landlord required to provide carbon monoxide pursuant to GS 42-42(a)(5)



# Summary of Modifications

- Added a definition of neighborhood association member which is a category that council considers when appointing such persons to the board. See Section 10-233.
- Section 10-235(a) removed reference that residency hotel requires use permit.
- Adds new Section 10-238 Housing Appeals Board creation, makeup and selection of members
- Makeup of Housing Appeals Board. Section 10-238(a)(3) clarifies the categories council shall consider when making appointments to the board.



# Summary of Modifications

- Adds new Section 10-238(d) Gives further clarification to HAB powers when it hears an appeal of the administrator's Order
- Section 10-241(b)(1)(a) Caps civil penalties at \$5K and gives CM authority to discharge certain penalties
- Modifies Chapter 26, Article VI, of the Durham City Code captioned "Removal of Trash and Undergrowth from Property" to deal with interior furniture on the exterior of properties



## Council Follow-up Questions:

- Space and Use Standards
  - Primary room requirement for 120 sq. ft. vs. 150 sq. ft. per occupant
- Carbon Monoxide Detectors
  - Required on each level
- Lis Pendens
  - Legal notice of pending housing code compliant or order binding on successors and assigns of owner
- In rem vs. Placarding
  - In rem has been deleted from the code
- Miscellaneous remedies—is it needed
  - Align with state statute



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# Recommendation

The Department of Neighborhood Improvement Services recommends that the City Council:

Holds a Public Hearing on Proposed Modifications to the Housing Code Ordinance and Removal of Trash and Undergrowth from Property Ordinance; and

Adopts the Proposed Modifications to the Housing Code Ordinance and Removal of Trash and Undergrowth from Property Ordinance and the ordinance establishing compensation for housing appeals board members.